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November 2, 2016

**Via Electronic Mail**

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Writer's Direct Access**  
**Jack Richards**  
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**Re: Maritime Communications/Land Mobile (MCLM);  
WT Docket No. 13-85, EB Docket No. 11-71**

Dear Chairman Wheeler:

After more than five years of hearings, Enbridge Energy Company, Inc. ("Enbridge") is pleased to notice an Order on circulation at the Commission to take action in the above-captioned proceeding. We urge the Commission to act promptly so Enbridge finally may acquire with certainty the frequencies necessary to continue operating its pipelines safely and efficiently.

Enbridge is an indirect, wholly-owned subsidiary of Enbridge, Inc., which owns and operates the world's longest and most sophisticated oil and liquids transportation system. To support its pipeline operations in Texas, almost six years ago Enbridge entered into an arms-length transaction with Maritime Communications/Land Mobile, LLC (MCLM) to acquire certain frequencies east of Dallas and north of Houston.

On November 19, 2010, MCLM and Enbridge duly filed an Assignment Application and associated Spectrum Lease Notification with the Commission.<sup>1</sup> Since then, the application has remained in regulatory limbo while the Commission questioned MCLM's (not Enbridge's) character qualifications to remain a licensee.<sup>2</sup>

Meanwhile, Enbridge continues to use these frequencies under its lease for monitoring and detecting the presence of lethal gases, guarding against cyber threats, video monitoring, snap shot

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<sup>1</sup> FCC File Nos. 0004430505 and 0004610535, respectively.

<sup>2</sup> Maritime Communications/Land Mobile, LLC, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64, Apr. 19, 2011. Subsequently, among other things, MCLM entered into bankruptcy proceedings in Mississippi (See, August 1, 2011, Bankruptcy filing In Re Maritime Communications/Land Mobile, LLC, Voluntary Petition for Chapter 11 Bankruptcy, No. 11-13463 (N.D. Miss. filed Aug. 1, 2011); a Debtor in Possession assumed MCLM's obligations (See, In Re Maritime Communications/Land Mobile, LLC, Debtor-in-Possession Application to Assign Licenses to Choctaw Holdings, LLC, Memorandum Opinion and Order, FCC 14-133, (rel. Sept. 11, 2014); and the Bankruptcy Court approved an offer by Choctaw Holdings, LLC ("Choctaw") to take-over MCLM's assets subject to final Commission approval regarding the FCC licenses at issue in the hearing (Maritime Communications/Land Mobile, LLC, Case No. 11-13463-DWH (N.D. Miss. Bank. Ct., Nov. 15, 2012).

## KELLER AND HECKMAN LLP

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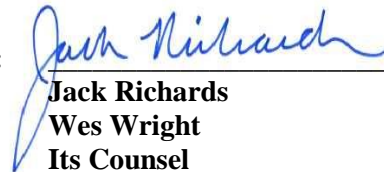
cameras, motion sensors, intruder alerts, security gate access, badge identification, and other critical functions necessary to operate the pipeline safely and in compliance with a variety of federal and state requirements.<sup>3</sup>

We implore the Commission finally to authorize on a permanent basis Enbridge's continued use of these frequencies for these critical public safety-related purposes, by granting either MCLM/Choctaw's request for *Second Thursday* relief<sup>4</sup> and/or Enbridge's pending Petition for Reconsideration in this proceeding.<sup>5</sup> Either action will lead to grant of the long-pending Assignment Application between MCLM<sup>6</sup> and Enbridge, thereby allowing Enbridge to acquire these frequencies with finality.

Your attention to this matter is appreciated. Should you need any additional information, please do not hesitate to contact us.

Sincerely,  
**Sherri Tanner**  
Senior Legal Counsel  
Enbridge, Inc.  
1001 Louisiana Street, Ste. 3300  
Houston, TX 77002

BY:

  
**Jack Richards**  
**Wes Wright**  
Its Counsel

cc: **Commissioner Clyburn**  
**Commissioner Pai**  
**Commissioner Rosenworcel**  
**Commissioner O'Rielly**  
**Ruth Milkman**  
**Edward Smith**  
**Jon Wilkins**  
**Certificate of Service List (Attached)**

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<sup>3</sup> Petition for Reconsideration filed by Enbridge Energy Company, Inc., WT Docket No. 13-85 (Oct. 14, 2014). *See also*, CII Companies' Petition for Reconsideration, filed May 19, 2011 (EB Docket No. 11-71); CII Companies' Comments, filed May 9, 2013 (EB Docket No. 13-85).

<sup>4</sup> It appears the parties finally have resolved the issues that originally prevented the Commission from granting Second Thursday relief sought by MCLM and Choctaw. Petition for Reconsideration filed by Choctaw Telecommunications, LLC and Choctaw Holdings, LLC, WT Docket No. 13-85 (Oct. 14, 2014), and Supplement to Petition for Reconsideration filed by Choctaw Holdings, LLC, WT Docket No. 13-85 (Feb. 12, 2016).

<sup>5</sup> Petition for Reconsideration filed by Enbridge Energy Company, Inc., WT Docket No. 13-85 (Oct. 14, 2014). *See also*, Petition for Reconsideration filed by DIXIE Electric Membership Corporation, WT Docket No. 13-85 (Oct. 14, 2014); and, Petition for Reconsideration filed by Choctaw Telecommunications, LLC and Choctaw Holdings, LLC, WT Docket No. 13-85 (Oct. 14, 2014).

<sup>6</sup> FCC File No. 0004430505.

## CERTIFICATE OF SERVICE

I, Beverly Harding, hereby certify that on this 2<sup>nd</sup> day of November, 2016, a copy of the foregoing Letter was filed with the Commission, served on the parties listed below via First Class U.S. Mail and a courtesy copy was provided via electronic mail.

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\_\_\_\_\_/s/\_\_\_\_\_  
**Beverly Harding**